APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,449	07/27/2001	Edward Acosta	BRDC:20	9696

29395   7590   06/14/2006

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EXAMINER
SHAH, CHIRAG G

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _31 March 2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-3 and 5-8_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-3 and 5-8_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Claims 1-3, 5-8, 19-22 and 28 rejected under 35 USC 112, first paragraph has been

withdrawn based on Amendment filed on 3/31/06.

2.   Applicant's arguments filed 3/31/06 have been fully considered but they are not

persuasive. Applicant argues that the transactions contemplated by Liao are secured between

client and server, via encryption/decryption/key, etc. Applicant deems the particular protocols

for the communications are nonetheless "standard" network protocols, but merely encrypted and

secured. Applicant further claims that there is not any mention of non-standard protocols for

wireless communications. Examiner respectfully disagrees for several reasons. Primarily, the

specification does not provide a definition or even explain what is considered to be a "non-

standard protocol" versus "standard protocol". Since there is no specific definition mentioned to

distinguish the standard and non-standard protocols, the Examiner based on MPEP 2106, gives

claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris,

127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). In this case, as Liao

discloses in col. 6, lines 18-46, protocols such as Secure Uplink Gateway Protocol (SUCP) and

Handheld Device Transport Protocol (HDTP) that provide secure and encrypted communication·

used primarily for proprietary communication is being reasonably·interpreted as specialized non-

standard communications protocols. Whereas, HTTP that runs on a standard TCP protocol suite

is as admitted by the Applicant considered a standard network protocol. Thus, based on the

reasons provides, claims 1-3 and 5-8 respectfully remain rejected under 35 USC 102(e).

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 1-3 and 5-8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Specifically, the term, "specialized non-standard protocols" is

indefinite and the specification does not provide the distinction between "standard network

protocol" and "specialized non-standard protocol".

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-3 and 5-8 rejected under 35 U.S.C. 102(e) as being anticipated by Liao

et al. (U.S. Patent No. 6,148,405), hereinafter, referred as Liao.

Regarding claim 1, Liao discloses in **figure 1** of a wireless communications network [**wireless**

communication network 100, fig. 1], comprising: a wired network [**Landline 104, figure 1**],

a wireless channel [**CDPD system 108, as disclosed in figure 1 and in col. 5, lines 54-**

62, *102 controlled by carrier 108 CDPD, Note: CDPD transmits data packets on unused cellular*

channels in the 800MHz to 900MHz range) communicate with each other using a radio

transmission];

a wireless application service provider server computer [**114 link server, fig. 1**]

connected to the wired network [**landline 104, fig. 1**], operable via standard network protocols

[**HTTP/HDML, fig. 1**] for wired communications over the wired network [**landline 104, fig. 1**],

and operatively dedicated for effecting communications over the wireless channel [**CDPD**

wireless network] via specialized non-standard protocols [**HDTP, SUGP, see fig. 1 and col. 6,**

lines 18-39, secure uplink gateway protocol can be considered non-standard proprietary

protocol that requires a specific encrypted authentication];

a wireless packetized data communications provider equipment [**Airnet 102 controlled**

by carrier CDPD 108 provides packet data transfer from wireless network 108, see fig. 1]

connected to the wireless application service provider server computer [**link server 114, see fig.**

1], for effecting communications of the server computer over the wireless channel [**CDPD**

channel, see fig. 1];

a wireless device [**mobile device 106, see fig. 1**] for communicating over the wireless

channel [CDPD channel, see fig. 1], via the wireless packetized data communications provider

equipment [**Airnet 102 controlled by carrier CDPD 108 provides packet data transfer from**

wireless network 108, see fig. 1], with the server computer [**114 link server, fig. 1**];

wherein the wireless device [**mobile device 106, see fig. 1**] communicates over the

wireless channel [**CDPD Channel, see fig. 1**] via specialized non-standard protocols [**HDTP,**

SUGP, see fig. 1 and col. 6, lines 18-39, secure uplink gateway protocol can be considered

non-standard proprietary protocol that requires a specific encrypted authentication];

wherein the server computer [114 link server, fig. 1] is dedicated for communications

with the wireless device [mobile device 106, see fig. 1], through the provider equipment [Airnet

102 controlled by carrier CDPD 108 provides packet data transfer from wireless network

108, see fig. 1]over the wireless channel [CDPD Channel, see fig. 1], via the specialized non-

standard protocols [HDTP, SUGP, see fig. 1 and col. 6, lines 18-39, secure uplink gateway

protocol can be considered non-standard proprietary protocol that requires a specific

encrypted authentication];

wherein the server computer [114 link server, fig. 1] intermediates communications of

the wireless device [mobile device 106, see fig. 1] to be carried over the wired network

[landline 104, fig. 1], by communicating with the wireless device [mobile device 106, see fig. 1]

via the specialized non-standard protocols [HDTP, SUGP, see fig. 1 and col. 6, lines 18-39,

secure uplink gateway protocol can be considered non-standard proprietary protocol that

requires a specific encrypted authentication] and correspondingly communicating over the

wired network via standard network protocols [The wired network 104 operates according to an

open systems interconnect model protocol since as disclosed in col. 6, 18-23, HTTP is the

protocol used in the wired Internet 104, which is a built in the TCP/IP Protocol Suite,

corresponding to transport of network layers of the OSI (open system-interconnect) model as

claim protocol].

Regarding claim 2, Liao further discloses of the wireless communications network

[CDPD system 108, as disclosed in figure 1 and in col. 5, lines 54-62, *102 controlled by*

carrier 108 CDPD, Note: CDPD transmits data packets on unused cellular channels in the

800MHz to 900MHz range) communicate with each other using a radio transmission], further

comprising a client software **[HDML web browser, fig 1 and col. 6, lines 23-30]** stored on the

wireless device **[mobile device 106, see fig. 1]** for enabling wireless communications over the

wireless channel [CDPD channel, see fig. 1] by the wireless device **[mobile device 106, see fig.**

1] with the server computer [link server 114, see fig. 1], via the provider equipment **[Airnet 102**

controlled by carrier CDPD 108 provides packet data transfer from wireless network 108,

see fig. 1], according to the specialized non-standard protocols **[HDTP, SUGP, see fig. 1 and**

col. 6, lines 18-39, secure uplink gateway protocol can be considered non-standard

proprietary protocol that requires a specific encrypted authentication].

Regarding claim 3, Liao discloses in **figure 1, col. 6, 18-23**, of the wired network (104).

The wired network 104 operates according to an open systems interconnect model protocol since

as disclosed in **col. 6, 18-23, HTTP is the protocol used in the wired Internet 104,** which is a

built in the TCP/IP Protocol Suite, corresponding to transport of network layers of the OSI (open

system-interconnect) model as claim protocol

[for further reference of HTTP being a part of the TCP/IP Protocol Suite corresponding

to the OSI model, see Data & Computer Communications, *6ᵗʰ Edition by William Stallings,*

pages 52-53 & 59].

Regarding claim 5, Liao discloses in **fig. 1, col. 5, lines 49-56,** wherein the wired network

[104, fig. 1] is the Internet as claim.

Regarding claim 6, Liao discloses **fig. 1, col. 5, lines 55-65,** wherein the wireless channel

is a cellular packetized data **[GSM]** system as claim.

Regarding claim 7, Liao discloses in **fig. 1, col. 5, lines 55-65** wherein the wireless

channel is a CDPD system as claim.

Regarding claim 8, Liao discloses in **fig. 1 and col. 6, lines 18-23,** further comprising a

server software **[HDML web browser software running on 114, as in fig. 1 and col. 6, lines**

18-38] operable on the wireless application service provider server computer **[link server 114,**

fig. 1] for enabling wireless communications via specialized non-standard protocols **[HDTP,**

SUGP, see fig. 1 and col. 6, lines 18-39, secure uplink gateway protocol can be considered

non-standard proprietary protocol that requires a specific encrypted authentication]

between the server computer **[link server 114, fig. 1]** and the wireless device **[mobile device**

106, fig. 1], having the client software **[HDML Browser, see fig. 1]**, over the wireless channel

[CDMA system 108, fig. 1] as claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G. Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7682. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cgs
June 5, 2006

Chirag G. Shah
Patent Examiner, 2616